

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

NEW YORK STATE RIFLE AND PISTOL  
ASSOCIATION, INC., et al.,

Plaintiffs,

v.

THE CITY OF NEW YORK, et al.,

Defendants.

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Case No.: 1:13-cv-2115-RWS

**NOTICE OF APPEAL**

**NOTICE IS HEREBY GIVEN** that The New York State Rifle and Pistol Association, Romolo Colantone, Efrain Alvarez, and Jose Anthony Irizarry, plaintiffs in the above-captioned case, hereby appeal to the United States Court of Appeals for the Second Circuit from the District Court Memorandum & Opinion, entered February 5, 2015 (ECF Doc. No. 56), and Judgment, entered February 9, 2015 (ECF Doc. No.: 57), that denied Plaintiffs' Motions for Summary Judgment and Preliminary Injunction and granted Defendant The City of New York's and The New York City Police Department – License Division's Cross Motions for Summary Judgment Dismissing the Amended Complaint.

Dated: February 3, 2015

Respectfully Submitted,

GOLDBERG SEGALLA, LLP

By: /s/ Brian T. Stapleton  
Brian T. Stapleton, Esq. (BS 5640)  
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*Counsel For Plaintiffs*

**CERTIFICATION**

I hereby certify that on February 3, 2015, a copy of the foregoing Plaintiffs' Notice of Appeal was filed electronically and served by mail upon anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to the parties described below by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

ZACHARY W. CARTER  
Corporation Counsel of the City of New York  
By Michelle Goldberg-Cahn, Esq. (MG 4490)  
*Attorney for Defendants*  
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By: /s/ Matthew S. Lerner  
Matthew S. Lerner, Esq. (ML 2020)

CLOSED,APPEAL,ECF

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:13-cv-02115-RWS**

The New York State Rifle & Pistol Association, Inc. et al v. The  
City of New York et al  
Assigned to: Judge Robert W. Sweet  
Cause: 28:1331cv Fed. Question: Other Civil Rights

Date Filed: 03/29/2013  
Date Terminated: 02/09/2015  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**The New York State Rifle & Pistol  
Association, Inc.**

represented by **Brian Thomas Stapleton**  
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**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Romolo Colantone**

represented by **Brian Thomas Stapleton**  
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**ATTORNEY TO BE NOTICED**

**Christopher Bopst**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Frank J. Ciano**  
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**ATTORNEY TO BE NOTICED**

**Matthew S. Lerner , .**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Efrain Alvarez**

represented by **Brian Thomas Stapleton**  
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*ATTORNEY TO BE NOTICED*

**Christopher Bopst**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Frank J. Ciano**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Matthew S. Lerner , .**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Jose Anthony Irizarry**

represented by **Brian Thomas Stapleton**  
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*ATTORNEY TO BE NOTICED*

**Christopher Bopst**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Frank J. Ciano**  
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*ATTORNEY TO BE NOTICED*

**Matthew S. Lerner , .**  
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*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**The City of New York**

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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**The New York City Police Department**  
*License Division*

represented by **Michelle L. Goldberg–Cahn**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
03/29/2013	1	COMPLAINT against The City of New York, The New York City Police Department. (Filing Fee \$ 350.00, Receipt Number 465407005544)Document filed

		by The New York State Rifle & Pistol Association, Inc., Jose Anthony Irizarry, Efrain Alvarez, Romolo Colantone.(jd) (Entered: 04/01/2013)
03/29/2013		SUMMONS ISSUED as to The City of New York, The New York City Police Department. (jd) (Entered: 04/01/2013)
03/29/2013		Magistrate Judge Michael H. Dolinger is so designated. (jd) (Entered: 04/01/2013)
03/29/2013		Case Designated ECF. (jd) (Entered: 04/01/2013)
04/18/2013	<u>2</u>	NOTICE OF APPEARANCE by Michelle L. Goldberg-Cahn on behalf of The City of New York, The New York City Police Department (Goldberg-Cahn, Michelle) (Entered: 04/18/2013)
04/23/2013	<u>3</u>	ANSWER to 1 Complaint,. Document filed by The City of New York, The New York City Police Department.(Goldberg-Cahn, Michelle) (Entered: 04/23/2013)
04/29/2013	<u>4</u>	AFFIDAVIT OF SERVICE of Summons and Complaint,. The New York City Police Department served on 4/3/2013, answer due 4/24/2013. Service was accepted by Eileen Faherty, Esq.. Document filed by The New York State Rifle & Pistol Association, Inc.; Jose Anthony Irizarry; Efrain Alvarez; Romolo Colantone. (Stapleton, Brian) (Entered: 04/29/2013)
04/29/2013	<u>5</u>	AFFIDAVIT OF SERVICE of Summons and Complaint,. Service was accepted by P.A.A. D. Perry – Clerk. Document filed by The New York State Rifle & Pistol Association, Inc., Jose Anthony Irizarry, Efrain Alvarez, Romolo Colantone. (Stapleton, Brian) (Entered: 04/29/2013)
04/29/2013	<u>6</u>	AFFIDAVIT OF SERVICE of Summons and Complaint,. The City of New York served on 4/3/2013, answer due 4/24/2013. Service was accepted by Dmitriy Aronov. Document filed by The New York State Rifle & Pistol Association, Inc.; Jose Anthony Irizarry; Efrain Alvarez; Romolo Colantone. (Stapleton, Brian) (Entered: 04/29/2013)
05/01/2013	<u>7</u>	AMENDED COMPLAINT amending 1 Complaint, against The City of New York, The New York City Police Department.Document filed by The New York State Rifle & Pistol Association, Inc., Jose Anthony Irizarry, Efrain Alvarez, Romolo Colantone. Related document: 1 Complaint, filed by Jose Anthony Irizarry, Romolo Colantone, The New York State Rifle & Pistol Association, Inc., Efrain Alvarez.(mro) (Entered: 05/03/2013)
05/07/2013	<u>8</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY –</b> MOTION for Preliminary Injunction. Document filed by Efrain Alvarez, Romolo Colantone, Jose Anthony Irizarry, The New York State Rifle & Pistol Association, Inc.. (Attachments: # <u>1</u> Memo of Law in Support of Motion for Prelim Injunction, # <u>2</u> Exhibit A: Affidavit of Romolo Colantone, # <u>3</u> Exhibit B: Affidavit of Jose Irizarry, # <u>4</u> Exhibit C: Affidavit of Efrain Alvarez)(Stapleton, Brian) Modified on 5/7/2013 (db). (Entered: 05/07/2013)
05/07/2013		<b>***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Brian Thomas Stapleton to RE-FILE Document <u>8</u> MOTION for Preliminary Injunction. ERROR(S): Supporting Documents are filed separately, each receiving their own document #. (db)</b> (Entered: 05/07/2013)
05/07/2013	<u>9</u>	MOTION for Preliminary Injunction. Document filed by Efrain Alvarez, Romolo Colantone, Jose Anthony Irizarry, The New York State Rifle & Pistol Association, Inc..(Stapleton, Brian) (Entered: 05/07/2013)
05/07/2013	<u>10</u>	MEMORANDUM OF LAW in Support re: <u>9</u> MOTION for Preliminary Injunction.. Document filed by Efrain Alvarez, Romolo Colantone, Jose Anthony Irizarry, The New York State Rifle & Pistol Association, Inc.. (Attachments: # <u>1</u> Exhibit A: Affidavit of Romolo Colantone, # <u>2</u> Exhibit B: Affidavit of Jose Irrizarry, # <u>3</u> Exhibit C: Affidavit of Efrain Alvarez)(Stapleton, Brian) (Entered: 05/07/2013)
05/10/2013	<u>11</u>	ORDER: Set Deadlines/Hearing as to <u>9</u> MOTION for Preliminary Injunction. All motion papers shall be served in accordance with Local Rule 6.1.( Motion Hearing

		set for 6/5/2013 at 12:00 PM in Courtroom 18C, 500 Pearl Street, New York, NY 10007 before Judge Robert W. Sweet.) (Signed by Judge John F. Keenan, Part I on 5/9/2013) (cd) (Entered: 05/10/2013)
05/21/2013		Minute Entry for proceedings held before Judge Robert W. Sweet: Interim Pretrial Conference held on 5/21/2013. (Defendant did not show) (js) (Entered: 05/23/2013)
05/23/2013	<u>12</u>	ORDER: On the assumption that no factual dispute exists between the parties, Plaintiffs' motion for a preliminary injunction will be heard on submission on a date to be determined by counsel. In the event that either party believes that a hearing is necessitated due to the existence of a factual dispute exists, that party should notify the Court. In addition, Defendants' request that their time to answer the amended complaint be stayed until such time that the Court has issued a determination on Plaintiffs' motion for a preliminary injunction is granted. This scheduling order supersedes the previous scheduling order with respect to the argument, but otherwise leaves in place the briefing schedule previously set forth. (Signed by Judge Robert W. Sweet on 5/22/2013) (cd) (Entered: 05/23/2013)
05/29/2013	<u>13</u>	AMENDED SCHEDULING ORDER: In addition, as the parties have reached an agreed upon schedule for the briefing of Plaintiff's motion for a preliminary injunction filed on dated May 7, 2013 and submitted said request to the Court in a letter dated May 14, 2013, the briefing schedule shall be as follows: Defendants' time to oppose or otherwise respond to plaintiffs' motion for a preliminary injunction is extended to June 11, 2013; and Plaintiffs' time to submit reply papers in further support of their motion for a preliminary injunction is extended to June 21, 2013. In addition, Defendants' request that their time or otherwise respond to the Amended Complaint, dated May 3, 2013, is hereby stayed until such a time as the Court has issued a determination on Plaintiffs' motion for preliminary injunction. This scheduling order supersedes the previous scheduling orders, dated May 9, 2013 and May 23, 2013. Responses due by 6/11/2013. Replies due by 6/21/2013. (Signed by Judge Robert W. Sweet on 5/28/2013) (ja) (Entered: 05/29/2013)
06/11/2013	<u>14</u>	DECLARATION of Michelle Goldberg-Cahn in Opposition re: <u>9</u> MOTION for Preliminary Injunction.. Document filed by The City of New York, The New York City Police Department. (Attachments: # <u>1</u> Exhibit A and B)(Goldberg-Cahn, Michelle) (Entered: 06/11/2013)
06/11/2013	<u>15</u>	DECLARATION of License Division Commanding Officer Andrew Lunetta in Opposition re: <u>9</u> MOTION for Preliminary Injunction.. Document filed by The City of New York, The New York City Police Department. (Attachments: # <u>1</u> Exhibit A – D, # <u>2</u> Exhibit E – K)(Goldberg-Cahn, Michelle) (Entered: 06/11/2013)
06/11/2013	<u>16</u>	MEMORANDUM OF LAW in Opposition re: <u>9</u> MOTION for Preliminary Injunction. <i>Defendants' Memo of Law in Opposition to Prelim Injunction Motion</i> . Document filed by The City of New York, The New York City Police Department. (Goldberg-Cahn, Michelle) (Entered: 06/11/2013)
06/19/2013	<u>17</u>	MOTION for Extension of Time to File Response/Reply <i>to Defendant's Opposition Papers</i> . Document filed by Efrain Alvarez, Romolo Colantone, Jose Anthony Irizarry, The New York State Rifle & Pistol Association, Inc..(Stapleton, Brian) (Entered: 06/19/2013)
06/24/2013	<u>18</u>	SECOND MOTION for Extension of Time to File Response/Reply <i>to Defendant's Opposition Papers</i> . Document filed by Efrain Alvarez, Romolo Colantone, Jose Anthony Irizarry, The New York State Rifle & Pistol Association, Inc..(Stapleton, Brian) (Entered: 06/24/2013)
06/28/2013	<u>19</u>	MEMO ENDORSEMENT granting <u>17</u> Motion for Extension of Time to File Response/Reply re <u>9</u> MOTION for Preliminary Injunction; granting <u>18</u> Motion for Extension of Time to File Response/Reply re <u>9</u> MOTION for Preliminary Injunction. ENDORSEMENT: So ordered. Replies due by 7/2/2013. (Signed by Judge Robert W. Sweet on 6/26/2013) (ft) (Entered: 07/01/2013)



07/02/2013	<u>20</u>	REPLY MEMORANDUM OF LAW in Support re: <u>9</u> MOTION for Preliminary Injunction.. Document filed by Efrain Alvarez, Romolo Colantone, Jose Anthony Irizarry, The New York State Rifle & Pistol Association, Inc.. (Attachments: # <u>1</u> Exhibit A: Declaration of Christopher Shkreli)(Stapleton, Brian) (Entered: 07/02/2013)
07/02/2013	<u>21</u>	CONSENT MOTION for Leave to File Excess Pages. Document filed by Efrain Alvarez, Romolo Colantone, Jose Anthony Irizarry, The New York State Rifle & Pistol Association, Inc..(Stapleton, Brian) (Entered: 07/02/2013)
09/20/2013	<u>22</u>	OPINION: re: #103601 <u>9</u> MOTION for Preliminary Injunction filed by Jose Anthony Irizarry, Romolo Colantone, The New York State Rifle & Pistol Association, Inc., Efrain Alvarez. Based on the conclusions set forth above, Plaintiffs' motion for a preliminary injunction is stayed pending the Court of Appeals' decision in Osterweil. (Signed by Judge Robert W. Sweet on 9/18/2013) (cd) Modified on 9/23/2013 (sdi). (Entered: 09/20/2013)
09/24/2013	<u>24</u>	INTERNET CITATION NOTE: Material from decision with Internet citation re: <u>22</u> Memorandum & Opinion. (sj) (Entered: 11/07/2013)
10/28/2013	<u>23</u>	ORDER: In view of Osterweil v. Bartlett, No. 167, 2013 WL 5610272 (N. Y. Oct. 15, 2013), the stay in this action is hereby vacated. (Signed by Judge Robert W. Sweet on 10/28/2013) (cd) (Entered: 10/28/2013)
02/06/2014	<u>25</u>	PRETRIAL ORDER: Counsel are directed to appear in courtroom 18C on 3-19-2014 at 4:00 pm for a pretrial conference for the purpose of resolving any outstanding discovery or other issues, and setting a time for trial. And as set forth herein. IT IS SO ORDERED. ( Pretrial Conference set for 3/19/2014 at 04:00 PM in Courtroom 18C, 500 Pearl Street, New York, NY 10007 before Judge Robert W. Sweet.) (Signed by Judge Robert W. Sweet on 2/06/2014) (ama) (Entered: 02/06/2014)
02/18/2014	<u>26</u>	ORDER: The stay having been vacated via order on October 28, 2013 (ECF No. 23), and no further action been taken by the parties, the motion for preliminary junction is marked withdrawn without prejudice for renewal. IT IS SO ORDERED. (Signed by Judge Robert W. Sweet on 2/12/2014) (ama) (Entered: 02/18/2014)
02/24/2014	<u>27</u>	<b>FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – LETTER MOTION for Conference addressed to Judge Robert W. Sweet from Brian T. Stapleton dated 02/24/2014. Document filed by Efrain Alvarez, Romolo Colantone, Jose Anthony Irizarry, The New York State Rifle &amp; Pistol Association, Inc..(Stapleton, Brian) Modified on 2/25/2014 (db). (Entered: 02/24/2014)</b>
02/25/2014		<b>***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – EVENT TYPE ERROR. Note to Attorney Brian Thomas Stapleton to RE-FILE Document <u>27</u> LETTER MOTION for Conference addressed to Judge Robert W. Sweet from Brian T. Stapleton dated 02/24/2014. Use the event type Letter found under the event list Other Documents. (db) (Entered: 02/25/2014)</b>
02/25/2014	<u>28</u>	LETTER addressed to Judge Robert W. Sweet from Brian T. Stapleton dated February 24, 2014 re: Request That Plaintiffs Motion for Preliminary Injunction Be Renewed. Document filed by Efrain Alvarez, Romolo Colantone, Jose Anthony Irizarry, The New York State Rifle & Pistol Association, Inc..(Stapleton, Brian) (Entered: 02/25/2014)
03/04/2014	<u>29</u>	MEMO ENDORSEMENT on re: <u>28</u> LETTER addressed to Judge Robert W. Sweet from Brian T. Stapleton dated February 24, 2014 re: Request That Plaintiff's Motion for Preliminary Injunction Be Renewed. Document filed by Efrain Alvarez, Romolo Colantone, Jose Anthony Irizarry, The New York State Rifle & Pistol Association, Inc. ENDORSEMENT: So ordered. (Signed by Judge Robert W. Sweet on 2/28/2014) (rjm) (Entered: 03/05/2014)
03/04/2014		Reset Hearings: Pretrial Conference set for 3/19/2014 at 04:00 PM in Courtroom 18C, U.S. Courthouse, 500 Pearl Street, New York, NY 10007 before Judge Robert W. Sweet. (rjm) (Entered: 03/05/2014)
03/06/2014	<u>30</u>	LETTER addressed to Judge Robert W. Sweet from Michelle Goldberg-Cahn dated March 6, 2014 re: NYSRPA v City of NY. Document filed by The City of

		New York, The New York City Police Department.(Goldberg–Cahn, Michelle) (Entered: 03/06/2014)
03/19/2014		Minute Entry for proceedings held before Judge Robert W. Sweet: Interim Pretrial Conference held on 3/19/2014. Motion returnable 9/17/14 at 12:00 p.m. (Argument) (Chan, Tsz) (Entered: 03/20/2014)
05/28/2014	<u>31</u>	LETTER MOTION for Extension of Time <i>to File Motion and Adjust Briefing Schedule Upwards</i> addressed to Judge Robert W. Sweet from Michelle Goldberg–Cahn dated 05/28/2014., LETTER MOTION for Leave to File Excess Pages addressed to Judge Robert W. Sweet from Michelle Goldberg–Cahn dated 05/28/2014. Document filed by The City of New York, The New York City Police Department.(Goldberg–Cahn, Michelle) (Entered: 05/28/2014)
05/30/2014	<u>32</u>	ORDER granting <u>31</u> Letter Motion for Extension of Time. ( Cross Motions due by 7/15/2014., Reply due by 8/22/2014., Responses due by 8/8/2014); granting <u>31</u> Letter Motion for Leave to File Excess Pages. So ordered. (Signed by Judge Robert W. Sweet on 5/29/2014) (lmb) (Entered: 05/30/2014)
06/05/2014	<u>33</u>	CROSS MOTION for Summary Judgment . Document filed by The City of New York, The New York City Police Department. Responses due by 7/31/2014 Return Date set for 9/17/2014 at 12:00 PM.(Goldberg–Cahn, Michelle) (Entered: 06/05/2014)
06/05/2014	<u>34</u>	DECLARATION of Michelle Goldberg–Cahn in Support re: <u>33</u> CROSS MOTION for Summary Judgment .. Document filed by The City of New York, The New York City Police Department. (Attachments: # <u>1</u> Exhibit A through C)(Goldberg–Cahn, Michelle) (Entered: 06/05/2014)
06/05/2014	<u>35</u>	DECLARATION of NYPD Inspector Andrew Lunetta in Support re: <u>33</u> CROSS MOTION for Summary Judgment .. Document filed by The City of New York, The New York City Police Department. (Attachments: # <u>1</u> Exhibit A and B, # <u>2</u> Exhibit C through I)(Goldberg–Cahn, Michelle) (Entered: 06/05/2014)
06/05/2014	<u>36</u>	MEMORANDUM OF LAW in Support re: <u>33</u> CROSS MOTION for Summary Judgment . <i>and in Opposition to Plaintiffs' Motion for Preliminary Injunction.</i> Document filed by The City of New York, The New York City Police Department. (Goldberg–Cahn, Michelle) (Entered: 06/05/2014)
06/05/2014	<u>37</u>	RULE 56.1 STATEMENT. Document filed by The City of New York, The New York City Police Department. (Goldberg–Cahn, Michelle) (Entered: 06/05/2014)
06/05/2014	<u>38</u>	SECOND MEMORANDUM OF LAW in Opposition re: <u>9</u> MOTION for Preliminary Injunction. . Document filed by The City of New York, The New York City Police Department. (Goldberg–Cahn, Michelle) (Entered: 06/05/2014)
07/15/2014	<u>39</u>	LETTER addressed to Judge Robert W. Sweet from Christopher Bopst dated July 15, 2014 re: Enlargement of Page Limit for Memorandum of Law. Document filed by Efrain Alvarez, Romolo Colantone, Jose Anthony Irizarry, The New York State Rifle & Pistol Association, Inc..(Bopst, Christopher) (Entered: 07/15/2014)
07/15/2014	<u>40</u>	NOTICE OF APPEARANCE by Christopher Bopst on behalf of Efrain Alvarez, Romolo Colantone, Jose Anthony Irizarry, The New York State Rifle & Pistol Association, Inc.. (Bopst, Christopher) (Entered: 07/15/2014)
07/15/2014	<u>41</u>	MEMO ENDORSEMENT on re: <u>39</u> Letter, filed by Jose Anthony Irizarry, Romolo Colantone, The New York State Rifle & Pistol Association, Inc., Efrain Alvarez. ENDORSEMENT: So ordered (Signed by Judge Robert W. Sweet on 7/15/2014) (kgo) (Entered: 07/15/2014)
07/15/2014	<u>42</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY</b> – MOTION for Summary Judgment . Document filed by Efrain Alvarez, Romolo Colantone, Jose Anthony Irizarry, The New York State Rifle & Pistol Association, Inc.. Responses due by 8/8/2014 Return Date set for 9/17/2014 at 12:00 PM. (Attachments: # <u>1</u> Response to Defendants' Rule 56 Statement, # <u>2</u> Plaintiffs' Rule 56 Statement, # <u>3</u> Memorandum of Law, # <u>4</u> Certificate of Service)(Bopst, Christopher) Modified on 7/16/2014 (db). (Entered: 07/15/2014)



07/16/2014		<b>***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Christopher Bopst to RE-FILE Document <u>42</u> MOTION for Summary Judgment . ERROR(S): Supporting Documents are filed separately, each receiving their own document #. Supporting Documents are found under the Event Type – Replies, Opposition and Supporting Documents; Rule 56.1 Statement is found under – Other Answers. First refile Motion. (db)</b> (Entered: 07/16/2014)
07/16/2014	<u>43</u>	CROSS MOTION for Summary Judgment ( <i>Re-Filed</i> ). Document filed by Efrain Alvarez, Romolo Colantone, Jose Anthony Irizarry, The New York State Rifle & Pistol Association, Inc.. Responses due by 8/8/2014 Return Date set for 9/17/2014 at 12:00 PM.(Bopst, Christopher) (Entered: 07/16/2014)
07/16/2014	<u>44</u>	MEMORANDUM OF LAW in Support re: <u>42</u> MOTION for Summary Judgment ., <u>43</u> CROSS MOTION for Summary Judgment ( <i>Re-Filed</i> ). . Document filed by Efrain Alvarez, Romolo Colantone, Jose Anthony Irizarry, The New York State Rifle & Pistol Association, Inc.. (Bopst, Christopher) (Entered: 07/16/2014)
07/16/2014	<u>45</u>	RULE 56.1 STATEMENT. Document filed by Efrain Alvarez, Romolo Colantone, Jose Anthony Irizarry, The New York State Rifle & Pistol Association, Inc.. (Bopst, Christopher) (Entered: 07/16/2014)
07/16/2014	<u>46</u>	RESPONSE to Defendants' Rule 56.1 Statement. Document filed by Efrain Alvarez, Romolo Colantone, Jose Anthony Irizarry, The New York State Rifle & Pistol Association, Inc.. (Bopst, Christopher) (Entered: 07/16/2014)
07/16/2014	<u>47</u>	CERTIFICATE OF SERVICE of NOTICE OF CROSS-MOTION FOR SUMMARY JUDGMENT; MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS CROSS-MOTION FOR SUMMARY JUDGMENT AND PRELIMINARY INJUNCTION AND IN OPPOSITION TO DEFENDANTS CROSS-MOTION FOR SUMMARY JUDGMENT; PLAINTIFFS STATEMENT OF MATERIAL FACTS PURSUANT TO LOCAL RULE 56.1(a); and PLAINTIFFS LOCAL RULE 56.1(b) STATEMENT IN RESPONSE TO DEFENDANTS RULE 56.1(a) STATEMENT served on Michael A. Cardozo, Corporation Counsel of the City of New York, by Michelle Goldberg-Cahn, Esq. (MG 4490) on July 15, 2014. Service was accepted by ECF FILED. Service was made by ECF FILED. Document filed by Efrain Alvarez, Romolo Colantone, Jose Anthony Irizarry, The New York State Rifle & Pistol Association, Inc.. (Bopst, Christopher) (Entered: 07/16/2014)
07/25/2014	<u>48</u>	MEMO ENDORSEMENT on re: <u>39</u> Letter, filed by Jose Anthony Irizarry, Romolo Colantone, The New York State Rifle & Pistol Association, Inc., Efrain Alvarez. ENDORSEMENT: So ordered. (Signed by Judge Robert W. Sweet on 7/15/2014) (rjm) (Entered: 07/25/2014)
08/06/2014	<u>49</u>	LETTER MOTION for Extension of Time to File Response/Reply <i>from August 8, 2014 to August 15, 2014 on Consent</i> addressed to Judge Robert W. Sweet from Michelle Goldberg-Cahn dated August 6, 2014. Document filed by The City of New York, The New York City Police Department. Return Date set for 9/17/2014 at 12:00 PM.(Goldberg-Cahn, Michelle) (Entered: 08/06/2014)
08/07/2014	<u>50</u>	MEMO ENDORSED ORDER granting <u>49</u> Letter Motion for Extension of Time to File Response/Reply. ENDORSEMENT: SO ORDERED. Responses due by 8/15/2014. Replies due by 8/29/2014. (Signed by Judge Robert W. Sweet on 8/7/2014) (ajs) (Entered: 08/07/2014)
08/15/2014	<u>51</u>	MEMORANDUM OF LAW in Opposition re: <u>33</u> CROSS MOTION for Summary Judgment ., <u>43</u> CROSS MOTION for Summary Judgment ( <i>Re-Filed</i> ). <i>Opposition to Plaintiffs Cross Motion and Preliminary Injunction Motion and Reply in Further Support of Defendants' Cross Motion for Summary Judgment</i> . Document filed by The City of New York, The New York City Police Department. (Goldberg-Cahn, Michelle) (Entered: 08/15/2014)
08/15/2014	<u>52</u>	COUNTER STATEMENT TO <u>45</u> Rule 56.1 Statement. Document filed by The City of New York, The New York City Police Department. (Goldberg-Cahn, Michelle) (Entered: 08/15/2014)

08/29/2014	<u>53</u>	REPLY MEMORANDUM OF LAW in Support re: <u>43</u> CROSS MOTION for Summary Judgment ( <i>Re-Filed</i> ). . Document filed by Efrain Alvarez, Romolo Colantone, Jose Anthony Irizarry, The New York State Rifle & Pistol Association, Inc.. (Attachments: # <u>1</u> Certificate of Service)(Bopst, Christopher) (Entered: 08/29/2014)
09/10/2014	<u>54</u>	LETTER MOTION to Adjourn Conference addressed to Judge Robert W. Sweet from Brian T. Stapleton dated September 10, 2014. Document filed by Efrain Alvarez, Romolo Colantone, Jose Anthony Irizarry, The New York State Rifle & Pistol Association, Inc..(Stapleton, Brian) (Entered: 09/10/2014)
09/12/2014	<u>55</u>	MEMO ENDORSED ORDER granting <u>54</u> Letter Motion to Adjourn Conference. ENDORSEMENT: October 8th. So ordered. (Signed by Judge Robert W. Sweet on 9/11/2014) (ajs) (Entered: 09/12/2014)
10/08/2014		Minute Entry for proceedings held before Judge Robert W. Sweet: Oral Argument held on 10/8/2014 re: <u>33</u> CROSS MOTION for Summary Judgment . filed by The City of New York, The New York City Police Department, <u>43</u> CROSS MOTION for Summary Judgment ( <i>Re-Filed</i> ). filed by Jose Anthony Irizarry, Romolo Colantone, The New York State Rifle & Pistol Association, Inc., Efrain Alvarez. (sc) (Entered: 10/14/2014)
02/05/2015	<u>56</u>	OPINION #105204 re: <u>9</u> MOTION for Preliminary Injunction. filed by Jose Anthony Irizarry, Romolo Colantone, The New York State Rifle & Pistol Association, Inc., Efrain Alvarez, <u>33</u> CROSS MOTION for Summary Judgment . filed by The City of New York, The New York City Police Department, <u>43</u> CROSS MOTION for Summary Judgment ( <i>Re-Filed</i> ). filed by Jose Anthony Irizarry, Romolo Colantone, The New York State Rifle & Pistol Association, Inc., Efrain Alvarez. Based on the conclusions set forth above, the Plaintiffs' motions for summary judgment and preliminary injunction are denied and the Defendants' cross motions for summary judgment dismissing the Amended Complaint is granted. It is so ordered. (See Order.) (Signed by Judge Robert W. Sweet on 2/4/2015) (ajs) Modified on 2/10/2015 (soh). (Entered: 02/05/2015)
02/05/2015		Transmission to Judgments and Orders Clerk. Transmitted re: <u>56</u> Memorandum & Opinion, to the Judgments and Orders Clerk. (ajs) (Entered: 02/05/2015)
02/09/2015	<u>57</u>	CLERK'S JUDGMENT: That for the reasons stated in the Court's Opinion dated February 4, 2015, Plaintiffs' motion for summary judgment and preliminary injunction are denied and the Defendants' cross-motion for summary judgment dismissing the Amended Complaint is granted. (Signed by Clerk of Court Ruby Krajick on 2/9/2015) (Attachments: # <u>1</u> Notice of Right to Appeal, # <u>2</u> Notice of Right to Appeal)(dt) (Entered: 02/09/2015)
03/03/2015	<u>58</u>	NOTICE OF APPEAL from <u>57</u> Clerk's Judgment, <u>56</u> Memorandum & Opinion,,,, Document filed by Efrain Alvarez, Romolo Colantone, Jose Anthony Irizarry, The New York State Rifle & Pistol Association, Inc.. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Lerner, Matthew) (Entered: 03/03/2015)